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8 UNITED STATES DISTRICT COURT
9 NORTHERN MARIANA ISLANDS

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.)
13 ZHENG, MING YAN,)
14 a/k/a "LI-NA," and)
15 LIU, CHANG DA,)
16 Defendants,)
17 _____)

Criminal Case No. 05-00027

**UNITED STATES' PROPOSED
CASE STATEMENT AND ELEMENTS**

Trial: Jury
Date: August 14, 2006
Time: 1:00 p.m.
Judge: Hon. Alex R. Munson

17 The United States of America, by and through its undersigned attorneys, hereby submits
18 proposed statements of the case and the elements of the charges for the court's use.

21 LEONARDO M. RAPADAS
22 United States Attorney
23 Districts of Guam and the NMI

24 Date: _____

By: /s/
25 TIMOTHY E. MORAN
26 Assistant United States Attorney
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1 UNITED STATES v. ZHENG, MING YAN and LIU, CHANG DA

2 CASE STATEMENT

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4 This criminal case involves charges that the defendants conspired to commit and actually
5 committed sex trafficking, foreign transportation or persons for purposes of prostitution and
6 foreign transportation of persons in execution of a scheme to defraud. The government alleges
7 that the defendants brought women from China to Saipan with false promises of high paying jobs
8 and compelled them to be prostitutes. The defendants deny these allegations and are presumed
9 innocent until proven guilty beyond a reasonable doubt.

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1 UNITED STATES v. ZHENG, MING YAN and LIU, CHANG DA

2 STATEMENT OF ELEMENTS OF THE CHARGES

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4 I. Conspiracy5
6 The defendants are charged in Count 1 of the indictment with conspiracy commit
7 offenses against the United States, in violation of Title 18, United States Code, Section 371. In
8 order for the defendant to be found guilty of that charge, the government must prove each of the
9 following elements beyond a reasonable doubt:10 First, beginning in or about August, 2004, until in or about August, 2005, there was an
11 agreement between two or more persons to commit offenses against the United States by
12 committing sex trafficking, foreign transportation for purposes of prostitution or foreign
13 transportation in furtherance or execution of a scheme to defraud;14 Second, the defendant became a member of the conspiracy knowing of at least one of its
15 objects and intending to help accomplish it.16 Third, one of the members of the conspiracy performed at least one overt act for the
17 purpose of carrying out the conspiracy, with all of you agreeing on a particular overt act that
18 you find was committed.19
20 II. Sex Trafficking21
22 The defendants are charged, as one of the objects of the conspiracy charged in Count 1
23 and in Counts Two and Three, with Sex Trafficking, in violation of Title 18, United States Code,

1 Section 1591. In order for the defendant to be found guilty of that charge, the government
2 must prove each of the following elements beyond a reasonable doubt:

3 First, the defendant knowingly recruited, enticed, harbored, transported, provided or
4 obtained by any means a person, **or** knowingly benefitted, financially or by receiving anything of
5 value, from participation in a venture which engaged in such conduct;

6 Second, the defendant knew that force, fraud, or coercion would be used to cause the
7 person to engage in a commercial sex act; and

8 Third, the defendant's acts were in or affecting interstate or foreign commerce.

9 “Commercial sex act” means any sex act, on account of which anything of value is given
10 to or received by any person.

11 “Coercion” means threats of serious harm to or physical restraint against any person; or
12 any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act
13 would result in serious harm to or physical restraint against any person; or the abuse or
14 threatened abuse of law or the legal process.

15 “Venture” means any group of two or more individuals associated in fact, whether or not
16 a legal entity.

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18 III. Foreign Transportation of Persons for Prostitution

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20 The defendants are charged, as one of the objects of the conspiracy charged in Count One
21 and in Count Four, with Transportation of a Person For Purposes of Prostitution, in violation of
22 Title 18, United States Code, Section 2421. In order for the defendant to be found guilty of that
23 charge, the government must prove each of the following elements beyond a reasonable doubt:

24 First, the defendant knowingly transported a person in foreign commerce; and

25 Second, the defendant transported such person with the intent that such person engage in
26 prostitution or any sexual activity for which a person can be charged with a criminal offense.

1 IV. Foreign Transportation of Persons in Execution of a Scheme to Defraud
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4 The defendants are charged, as one of the objects of the conspiracy charged in Count
5 One and in Count Five, with Foreign Transportation of Persons In Execution of a Scheme To
6 Defraud, in violation of Section 2314 of Title 18 of the United States Code. In order for the
7 defendant to be found guilty of that charge, the government must prove each of the following
8 elements beyond a reasonable doubt:
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10 First, the defendant made up a scheme or plan for obtaining money by making false
11 promises or statements, with all of you agreeing on at least one particular false promise or
12 statement that was made;

13 Second, the defendant knew that the promises or statements were false;

14 Third, the promises or statements were material, that is they would reasonably influence
15 a person to part with money or property;

16 Fourth, the defendant acted with the intent to defraud; and

17 Fifth, on or about the date alleged in the count you are considering, the defendant
18 transported, caused to be transported, or induced persons to travel in interstate or foreign
19 commerce in the execution or concealment of the scheme or plan to defraud such persons of
20 more than \$5,000.
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